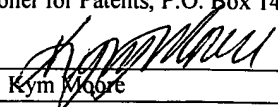




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Kym Moore

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In Re Application of:

Date: April 10, 2006

Robert S. HOBLIT et al.

Confirmation No: 1677

Serial No: 09/732,346

Group Art Unit: 3627

Filed: December 7, 2000

Examiner: Zeender, Florian M.

For: ANALYZING INVENTORY USING TIME FRAMES

APPEAL BRIEF

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I. REAL PARTY IN INTEREST

Appellants respectfully submit that International Business Machines Corporation is the real party in interest.

II. RELATED APPEALS AND INTERFERENCES

Appellants state that no such proceeding exists.

III. STATUS OF CLAIMS

Claims 1-6, 8-13, and 41 are pending and stand rejected. Accordingly, claims 1-6, 8-13, and 41 are on appeal and all applied rejections concerning those claims are herein being appealed.

IV. STATUS OF AMENDMENT

Application Serial No. 09/732,346 (the instant application) as originally filed included claims 1-39. Claims 1-6, 8-13, and 41 are pending. Claims 1-6, 8-13, and 41 are on appeal and all applied prospective rejections concerning claims 1-6, 8-13, and 41 are being appealed herein. All amendments made to the instant application have been entered.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention provides a method for analyzing inventory information using time frames. The method comprises determining estimated sales projections for individual items. Each individual item has a corresponding time frame comprising a range of hours within a particular day. The corresponding time frame is adjusted for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria. The sales data for the individual items in the corresponding time frames is collected and analyzed with the estimated sales projections for the individual items in the corresponding time frames. Finally, an interested party or a system is notified shortly after the end of said corresponding time frame upon determination that any items of the individual items in the corresponding time frames have performed unexpectedly versus the estimated sales projections. The interested party may then take appropriate corrective actions to solve the problem as to why the sale of any items performed unexpectedly. By identifying and reporting items that have performed unexpectedly shortly after the end of the particular time frame, problems can be solved quickly and thereby save the retailer the cost of forgone revenue, lost potential for additional business, reduced profit margins, etc.

Independent claim 1 recites a computerized method for analyzing inventory information using time frames, comprising: determining estimated sales projections for individual items, wherein each individual item has a corresponding time frame comprising a range of particular times within a particular day; adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria; collecting sales data for said individual items in said corresponding time

frames; analyzing sales data collected for said individual items in said corresponding time frames with said estimated sales projections for said individual items in said corresponding time frames; and notifying an interested party or a system shortly after the end of said corresponding time frame upon determination that any items of said individual items in said corresponding time frames have performed unexpectedly versus said estimated sales projections.

Support for independent claim 1 is found in Figure 3 and on page 3, on lines 1-13; on page 9, lines 11-18; on page 10, line 20, to page 12, line 8; and on page 13, lines 11-23. More specifically, support for “determining estimated sales projections for individual items, wherein each individual item has a corresponding time frame comprising a range of particular times within a particular day” can be found in Figure 3, box 301, and on page 3, lines 1-13, and page 9, lines 11-18. Support for “adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria” can be found on page 10, line 20, to page 11, line 11. Support for “collecting sales data for said individual items in said corresponding time frames; analyzing sales data collected for said individual items in said corresponding time frames with said estimated sales projections for said individual items in said corresponding time frames” can be found in Figure 3, box 302, and on page 11, line 12, to page 12, line 8. Support for “notifying an interested party or a system shortly after the end of said corresponding time frame upon determination that any items of said individual items in said corresponding time frames have performed unexpectedly versus said estimated sales projections” can be found in Figure 3, box 305, and on page 13, lines 11-23.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Appellants respectfully seek review of the following rejections:

1. Claims 1-6, 8-13, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagami et al. in view of Brewer et al. and Official Notice.

VII. ARGUMENTS

A. Summary of the Applied Rejections

The Final Office Action dated October 27, 2005 rejected claims 1-6, 8-13, and 41 under 35 U.S.C. 103(a) as being unpatentable over Kagami et al. in view of Brewer et al. and Official Notice. In making the rejection, the Examiner stated:

Claims 1-6, 8-13, and 41 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kagami et al. in view of Brewer et al. and Official Notice.

Kagami et al. disclose or inherently teach the limitations of the claim 1 (see specifically Fig. 2, and Col. 5, lines 6-41); except the reference lacks the specific teaching of the time frame comprising a range of particular times within a particular day, “notifying an interested party” (the reference only teaches giving “advice to modify”; Col. 5, lines 40-41), and adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular item does not exceed a minimum criteria.

Brewer et al. teach an inventory control apparatus whereby inventory can monitored over a range of particular times within a particular day (See, for example, Col. 3, lines 35-46).

It would be obvious to one of ordinary skill in the art at the time of the invention to modify Kagami et al. to have the time frame comprise a range of times within a particular day, in view of Brewer et al., in order to “produce a highly flexible system tailoring reports to a users requirements” (See Brewer et al., Col. 3, lines 44-46).

Further, it would have been an obvious design choice to one of ordinary skill in the art at the time of the invention to modify Kagami et al. to notify “an interested party”, of the advice to modify the inventory control system in order to provide a manager with the necessary information to act on the advice and hence change the system to improve the system’s future accuracy.

Further, the Examiner takes Official Notice that it is well known in sales to adjust the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria. For example, in real estate, an owner of a property has to have his house sold within two weeks due to a job transfer. The real estate agent has been selling houses in the neighborhood within one month on average (thus, the sales projection for this individual item is one month). Because the estimated sales projection (one every month) does not exceed the minimum criteria set by the owner of two weeks, the real estate agent has to adjust the corresponding time frame for selling the house to two weeks. Of course, in order to sell the house in two weeks, the agent would probably have to increase the demand for the house by either lowering the price or working harder to find more buyers. Thus, this example describes how it is common in everyday business/sales to adjust the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria...

The Examiner stated the following in response to the previous arguments against the 103(a) rejections:

Applicant's arguments filed 8/15/2005 have been fully considered but they are not persuasive.

Applicant argues that Brewer does not teach or suggest the time frame "comprising a range of particular times within a particular day", as recited in claim 1. However, the Examiner disagrees. Brewer specifically teaches that the time span can be "any time span....where the time span may be within the last hour" (Col. 3, lines 37-38). The terminology teaches the limitation of the claim in that the "last hour" includes a range (one hour) of particular times (i.e. between 4pm – 5pm) within a particular day (the present day).

The applicant further argues that Brewer does not specifically describe both particular times and particular days. This argument, however, is not persuasive in that claim 1 only states "particular times within a particular day" (not days). The limitation is taught by Brewer as described in the paragraph above.

However, even if claim 1 stated "days" (plural), it is believed that Brewer obviously or even inherently teaches this limitation because Brewer's "report" (described in Col. 3, lines 35-40) for determining stock removal would be useless if the time span was chosen to be "any time span", but the report didn't tell the user which date. Further, there is evidence of inherency or at least obviousness from Brewer's disclosure in Column 3, lines 31-32 ("time and date"), and Brewer's disclosure in Column 3, lines 15-20 ("when it was issued" and "was issued on a particular date").

Further, applicant has argued in a previous communication that Brewer explicitly defines the time span such that "the span may be in the last hour, may be in the last day, may be in the last week, maybe the last month". However, the language is not an explicit definition, but rather a list of examples of Brewer's terminology, "any time span". Column 3, line 40 of Brewer, additionally states that the time frames "may be any other time span". In no way does Brewer teach away from anything, as applicant has argued previously, but rather teaches applicant's limitation in claim 1 of, "comprising a range of particular times within a particular day".

The Examiner stated the following in the Advisory Action dated January 20, 2006:

The request for reconsideration has been considered but does NOT place the application in condition for allowance because:

The arguments are not convincing. The Examiner's position disclosed in the Final Office action remains proper. For the purposes of appeal, the status of the claims remain the same as in the Final Office action.

Appellants respectfully request that the Board reverse the Examiner's final rejection of the pending claims.

B. The Cited Prior Art

Kagami discloses an inventory control method that warns against the excess or deficiency of a stock of goods. Kagami groups goods into classes where each class exhibits a similar life cycle or a specific character of sales results. The sales results are monitored and compared to the change of sales, which is forecasted using a sales change model pattern of each class. If the accuracy of the forecasted sales is poor, the sales change model pattern is modified and used to determine a stock warning index, which provides information on the excess or deficiency of stock. The inventory control method helps to determine a date to order goods and an amount of goods to order for a particular sale season. (Background, Summary, Figure 2, and column 5, lines 6-41.)

Brewer discloses an apparatus that stores stock for retrieval. The apparatus maintains an inventory of the stock contained within and produces an invoice as stock is removed. The stock includes safety equipment that is issued for use in the everyday operation of a company; and the items may also have a limited shelf life. Reports may be produced regarding stock removed from the apparatus in any time span, where the time span may be in the last hour, may be the last day, may be the last week, may be the last month, etc. (Abstract, column 1, lines 5-22, column 2, lines 31-44, and column 3, lines 35-46.)

C. Claims 1-6, 8-13, and 41 Are Not Unpatentable Under 35 U.S.C. 103(a)

The present invention is directed to a method for analyzing inventory information using time frames. In accordance with the present invention, the method comprises determining estimated sales projections for individual items. Each individual item has a corresponding time frame comprising a range of hours within a particular day. The corresponding time frame is adjusted for a particular individual item if the estimated sales projection for the particular

individual item does not exceed a minimum criteria. The sales data for the individual items in the corresponding time frames is collected and analyzed with the estimated sales projections for the individual items in the corresponding time frames. Finally, an interested party or a system is notified shortly after the end of said corresponding time frame upon determination that any items of the individual items in the corresponding time frames have performed unexpectedly versus the estimated sales projections. The interested party may then take appropriate corrective actions to solve the problem as to why the sale of any items performed unexpectedly. By identifying and reporting items that have performed unexpectedly shortly after the end of the particular time frame, problems can be solved quickly and thereby save the retailer the cost of forgone revenue, lost potential for additional business, reduced profit margins, etc. Kagami in view of Brewer does not teach or suggest these features, as discussed below.

Applicants agree with the Examiner that Kagami lacks the specific teaching of a “time frame comprising a range of particular times within a particular day” and “adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria,” as recited in independent claim 1.

The Examiner has relied on Brewer to cure the defects of Kagami. However, Applicants respectfully submit that Brewer does not teach or suggest the time frame “comprising a range of **particular times** within a **particular day**,” as recited in independent claim 1. The Examiner has argued that Brewer specifically teaches that the time span can be “any time span....where the time span may be within the last hour,” referring to column 3, lines 37-38, of Brewer. The Examiner has further argued that the terminology of Brewer teaches the limitation of the claim in that the “last hour” includes a range of particular times within a particular day. Applicants

respectfully disagree. The “last hour” of Brewer is merely an example of a time span unit (e.g., last hour, last day, last week, etc.), and the time span unit is the most recent time period.

Brewer provides specific examples of the time span having different units “where the span may be in the **last hour**, may be the **last day**, may be the **last week**, maybe the **last month** or may be any other time span” (column 3, lines 35-40). The time span of the “last hour,” as described in Brewer, is different from a range of particular times as in the present invention, because the time span is linked to the present (e.g., in the “last hour”). In contrast to Brewer, a range of particular times, as in the present invention, is not tied to the present. For example, for one individual item, the range of particular times could be from 3:00pm to 5:00pm last Monday. For another individual item, the range of particular times could be from 12:00am to 6:00am last Wednesday. Brewer cannot provide such selective times of the day and days of the week for different individual items, because Brewer merely teaches a time span unit that is linked to the present. For example, in Brewer, the “last hour” would fail to cover particular times of the day that that cover a time span that is greater than an hour (e.g., from 3:00pm to 5:00pm) or that fall outside of the last hour (e.g., from 3:00pm to 5:00pm last Monday). If the time span unit of Brewer were presumed to be the “last day” (e.g. today), the “last day” would fail to specify the particular times of the day (e.g., from 3:00pm to 5:00pm) and would clearly fail to specify those times if they were on a day other than “today.”

The Examiner has further argued that even if claim 1 were to state “days” (plural), Brewer inherently teaches this limitation. The Examiner has referred to column 3, lines 35-40, stating that the “report” of Brewer for determining stock removal would be useless if the time span was chosen to be “any time span,” but the report did not tell the user which date. The Examiner has also referenced the phrase “time and date” in column 3, lines 31-32, of Brewer and

the phrases “when it was issued” and “was issued on a particular date” in column 3, lines 15-20, of Brewer. Applicants respectfully disagree. Where Brewer mentions dates, Brewer does not mention “particular times.” Furthermore, Brewer clearly fails to teach or suggest a time frame comprising **both** the “particular time” **and** the “particular day,” as recited in the present invention. Furthermore, these dates do not refer to dates for “estimated sales projections,” as recited in the present invention. Instead, one date refers to when a safety item was issued to a person (column 3, lines 15-20) and the other date refers to when an item was produced (column 3, lines 35-40). Nowhere does Brewer mention “estimated sales projections.” To put these dates of Brewer into context, these dates involve safety equipment that is pulled out of storage and issued to a person for every day operations in a company, where the safety equipment may have a limited shelf life (column 1, lines 5-22 and column 2, lines 31-44). Accordingly, if the issue date were not known, determining stock removal during the last day, for example, would still be very useful, because one could determine whether to retrieve safety equipment from an employee would might have forgotten to return the safety equipment.

The Examiner has further argued that Brewer states that the time frames “may be any other time span,” referring to column 3, line 40, of Brewer. However, if the time span unit of Brewer were presumed to be one that is not listed, such as the “last year,” the time span would still fail to specify the particular times of the day (e.g., from 3:00pm to 5:00pm) and would clearly fail to specify the day on which those times fell.

Furthermore, Brewer fails to teach or suggest that **“each individual item** has a corresponding time frame comprising a range of hours within a particular day” as in the present invention. A benefit of the present invention is that an interested party such as a store manager can take appropriate corrective actions in real-time to solve the problem of why sales of a

particular item performed unexpectedly **during a particular range of hours** and on a **particular day**. For example, if sales of an item are less than expected between 12:00 p.m. to 3:30 p.m. on a Monday and between 3:00 p.m. to 5:00 p.m. on a Tuesday for a given item, the store manager can determine in real-time if the item needs to be placed in a better location, needs to be displayed in a different way, or if the store shelf for the item was empty and more units of the item needed to be moved from the warehouse to the store shelf during **particular times on particular days** (e.g., between 12:00 p.m. to 3:30 p.m. on Mondays and between 3:00 p.m. to 5:00 p.m. on a Tuesdays).

Furthermore, an interested party or system is notified “shortly after the end of said corresponding time frame upon determination that any items of said individual items in said corresponding time frames have performed unexpectedly versus said estimated sales projections,” as recited in independent claim 1. Brewer cannot provide this benefit, because Brewer merely indicates the most recent time span.

The Examiner recognizes that Kagami does not disclose “adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria” as recited in independent claim 1. The Examiner, however, asserts that “adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria” is well known and the Examiner has taken Official Notice on this subject matter. Applicants respectfully disagree.

While Applicants recognize that the Examiner is entitled to support an obviousness rejection based on common knowledge in the art, Applicants respectfully submit that the Examiner can only take official notice of facts outside the record which are capable of instant and

unquestionable demonstration of being “well known” in the art. In re Ahlert, 424 F.2d 1088, 1091, 165 USPQ 418, 420 (CCPA 1970). In the present case, Applicants submit that one of skill in the art would not have adjusted the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria. Adjusting a time frame comprising a “range of particular times” within a particular day would not make sense in the context of a “sale season” of Kagami or in the context of “selling houses” in the Examiner’s example. The Examiner has not cited a reference that specifically provides a teaching or suggestion to adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria.

Therefore, Kagami in view of Brewer does not teach or suggest the combination of steps as recited in claim 1, and claim 1 is thus allowable over Kagami in view of Brewer.

Dependent claims 2-6, 8-13, and 41 depend from amended independent claim 1. Accordingly, the above-articulated arguments related to amended independent claim 1 apply with equal force to claims 2-6, 8-13, and 41, which are thus allowable over the cited reference for at least the same reasons as claim 1.

In view of the foregoing, Applicants respectfully submit that the recited invention is not taught, shown, or suggested by the cited art.

Accordingly, Appellants respectfully request withdrawal of the rejection under 35 U.S.C. 103(a) and respectfully requests that the Board reverse the final rejection of claims.

D. Summary of Arguments

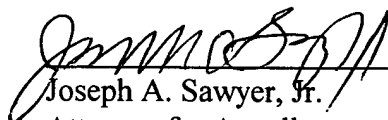
For all the foregoing reasons, it is respectfully submitted that claims 1-6, 8-13, and 41 (all of the claims presently in the application) are patentable for defining subject matter, which would not have been unpatentable under 35 U.S.C. 103(a) at the time the subject matter was invented. Thus, Appellants respectfully request that the Board reverse the rejection of all the appealed claims and find each of these claims allowable.

Note: For convenience of detachment without disturbing the integrity of the remainder of pages of this Appeal Brief, Appellants' APPENDICES A-C are attached on separate sheets following the signatory portion of this Appeal Brief.

Please charge any fee that may be necessary for the continued pendency of this application to Deposit Account No. 09-0460 (IBM Corporation).

Respectfully submitted,
SAWYER LAW GROUP LLP

April 10, 2006
Date


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APPENDIX A

CLAIMS

1. (Previously presented) A computerized method for analyzing inventory information using time frames, the method comprising the steps of:

determining estimated sales projections for individual items, wherein each individual item has a corresponding time frame comprising a range of particular times within a particular day;

adjusting the corresponding time frame for a particular individual item if the estimated sales projection for the particular individual item does not exceed a minimum criteria;

collecting sales data for said individual items in said corresponding time frames;

analyzing sales data collected for said individual items in said corresponding time frames with said estimated sales projections for said individual items in said corresponding time frames; and

notifying an interested party or a system shortly after the end of said corresponding time frame upon determination that any items of said individual items in said corresponding time frames have performed unexpectedly versus said estimated sales projections.

2. (Previously presented) The method as recited in claim 1 further comprising the step of: storing results of said analysis of said sales data collected for said one or more items in said particular time frame with said estimated sales projections for said one or 3 more items in said particular time frame using a processor.

3. (Previously presented) The method as recited in claim 1, wherein said estimated sales projections in said particular time frame are derived using a processor from sales trends and sales projection data over a time duration that exceeds said particular time frame.

4. (Previously presented) The method as recited in claim 1, wherein said sales data for said one or more items in said particular time frame is collected in a substantially real-time manner using a processor.

5. (Previously presented) The method as recited in claim 4, wherein said sales data for said one or more items in said particular time frame is collected by an on-line inventory database.

6. (Previously presented) The method as recited in claim 1, wherein said sales data for said one or more items in said particular time frame is collected in a batch manner using a processor.

7. (Canceled)

8. (Previously presented) The method as recited in claim 1, wherein said sales data collected for said one or more items in said particular time frame using a processor and said estimated sales projections for said one or more items in said particular time frame are analyzed by a statistical analysis tool.

9. (Original) The method as recited in claim 8, wherein said statistical analysis tool is a Poisson distribution.

10. (Previously presented) The method as recited in claim 1, wherein said sales data collected for said one or more items in said particular time frame and said estimated sales projections for said one or more items in said particular time frame are analyzed by an absolute comparison using a processor.

11. (Original) The method as recited in claim 1, wherein said interested party is notified regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections by e-mail

12. (Previously presented) The method as recited in claim 1, wherein said interested party is notified regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections by paging.

13. (Previously presented) The method as recited in claim 1 further comprising the step of: generating a report regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections using a processor.

14. (Withdrawn) A computer program product having a computer readable medium having computer program logic recorded thereon for analyzing inventory information using time

frames, comprising: programming operable for determining estimated sales projections for one or more items in a particular time frame;

programming operable for collecting sales data for said one or more items in said particular time frame;

programming operable for analyzing sales data collected for said one or more items in said particular time frame with said estimated sales projections for said one or more items in said particular time frame; and

programming operable for notifying an interested party or a system regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections.

15. (Withdrawn) The computer program product as recited in claim 14 further comprises:

programming operable for storing results of said analysis of said sales data collected for said one or more items in said particular time frame with said estimated sales projections for said one or more items in said particular time frame

16. (Withdrawn) The computer program product as recited in claim 14, wherein said estimated sales projections in said particular time frame are derived from sales trends and sales projection data over a time duration that exceeds said particular time frame.

17. (Withdrawn) The computer program product as recited in claim 14, wherein said sales data for said one or more items in said particular time frame is collected in a substantially real-time manner.

18. (Withdrawn) The computer program product as recited in claim 17, wherein said sales data for said one or more items in said particular time frame is collected by an on-line inventory.

19. (Withdrawn) The computer program product as recited in claim 14, wherein said sales data for said one or more items in said particular time frame is collected in a batch manner.

20. (Withdrawn) The computer program product as recited in claim 14, wherein said particular time frame is adjustable.

21. (Withdrawn) The computer program product as recited in claim 14, wherein said sales data collected for said one or more items in said particular time frame and said estimated sales projections for said one or more items in said particular time frame are analyzed by a statistical analysis tool.

22. (Withdrawn) The computer program product as recited in claim 21, wherein said statistical analysis tool is a Poisson distribution.

23. (Withdrawn) The computer program product as recited in claim 14, wherein said sales data collected for said one or more items in said particular time frame and said estimated sales projections for said one or more items in said particular time frame are analyzed by an absolute comparison.

24. (Withdrawn) The computer program product as recited in claim 14, wherein said interested party is notified regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections by e-mail.

25. (Withdrawn) The computer program product as recited in claim 14, wherein said interested party is notified regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections by paging.

26. (Withdrawn) The computer program product as recited in claim 14 further comprises:

programming operable for generating a report regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections.

27. (Withdrawn) A system, comprising:

one or more POS terminals;

a data processing system coupled to said one or more POS terminals, wherein

said data processing system comprises:

a processor;

a memory unit operable for storing a computer program operable for analyzing inventory information using time frames;

an input mechanism;

an output mechanism;

a bus system coupling the processor to the memory unit, input mechanism, and output mechanism, wherein the computer program is operable for performing the following programming steps:

determining estimated sales projections for one or more items in a particular time frame;

receiving sales data for said one or more items in said particular time frame from said one or more POS terminals;

analyzing sales data received for said one or more items in said particular time frame with said estimated sales projections for said one or more items in said particular time frame; and

notifying an interested party or a system regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections.

28. (Withdrawn) The system as recited in claim 27, wherein the computer program is further operable for performing the following programming step:

storing results of said analysis of said sales data received for said one or more

items in said particular time frame with said estimated sales projections for said one or more items in said particular time frame.

29. (Withdrawn) The system as recited in claim 27, wherein said estimated sales projections in said particular time frame are derived from sales trends and sales projection data over a time duration that exceeds said particular time frame.

30. (Withdrawn) The system as recited in claim 27, wherein said sales data for said one or more

31. (Withdrawn) The system as recited in claim 27, wherein said sales data for said one or more items in said particular time frame is collected by an on-line inventory in said one or more POS terminals, wherein said one or more POS terminals transmit said sales data for said one or more items in said particular time frame to said data processing system in a substantially real-time manner.

32. (Withdrawn) The system as recited in claim 27, wherein said sales data for said one or more items in said particular time frame is received in a batch manner.

33. (Withdrawn) The system as recited in claim 27, wherein said particular time frame is adjustable.

34. (Withdrawn) The system as recited in claim 27, wherein said sales data received

for said one or more items in said particular time frame and said estimated sales projections for said one or more items in said particular time frame are analyzed by a statistical analysis tool.

35. (Withdrawn) The system as recited in claim 34, wherein said statistical analysis tool is a Poisson distribution.

36. (Withdrawn) The system as recited in claim 27, wherein said sales data received for said one or more items in said particular time frame and said estimated sales projections for said one or more items in said particular time frame are analyzed by an absolute comparison.

37. (Withdrawn) The system as recited in claim 27, wherein said interested party is notified regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections by e-mail.

38. (Withdrawn) The system as recited in claim 27, wherein said interested party is notified regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections by paging.

39. (Withdrawn) The system as recited in claim 27, wherein the computer program is further operable for performing the following programming step:

generating a report regarding any items of said one or more items in said particular time frame that have performed unexpectedly versus said estimated sales projections.

40. (Canceled)

41. (Previously presented) The method as recited in claim 1, wherein said corresponding time frames are independent of each other.

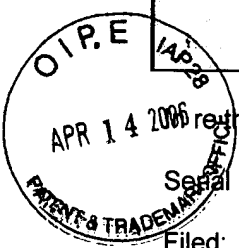
42. (Canceled)

APPENDIX B

EVIDENCE

(NONE)

APPENDIX C
RELATED PROCEEDINGS
(NONE)

**TRANSMITTAL FORM**Attorney Docket No.
RPS920000097US1/2830Pre the application of: **HOBLIT et al.**Confirmation No: **1677**Serial No: **09/732,346**Group Art Unit: **3627**Filed: **December 7, 2000**Examiner: **Zeender, Florian M.***21w*
AF-13627/10For: **Analyzing Inventory Using Time Frames**

ENCLOSURES (check all that apply)					
<input type="checkbox"/>	Amendment/Reply	<input type="checkbox"/>	Assignment and Recordation Cover Sheet	<input type="checkbox"/>	After Allowance Communication to Group
<input type="checkbox"/>	After Final	<input type="checkbox"/>	Part B-Issue Fee Transmittal	<input type="checkbox"/>	Notice of Appeal
<input type="checkbox"/>	Information disclosure statement	<input type="checkbox"/>	Letter to Draftsman	<input checked="" type="checkbox"/>	Appeal Brief
<input type="checkbox"/>	Form 1449	<input type="checkbox"/>	Drawings	<input type="checkbox"/>	Status Letter
<input type="checkbox"/>	(X) Copies of References	<input type="checkbox"/>	Petition	<input checked="" type="checkbox"/>	Postcard
<input type="checkbox"/>	Extension of Time Request *	<input type="checkbox"/>	Fee Address Indication Form	<input type="checkbox"/>	Other Enclosure(s) (please identify below):
<input type="checkbox"/>	Express Abandonment	<input type="checkbox"/>	Terminal Disclaimer		
<input type="checkbox"/>	Certified Copy of Priority Doc	<input type="checkbox"/>	Power of Attorney and Revocation of Prior Powers		
<input type="checkbox"/>	Response to Incomplete Appln	<input type="checkbox"/>	Change of Correspondence Address		
<input type="checkbox"/>	Response to Missing Parts	*Extension of Term: Pursuant to 37 CFR 1.136, Applicant petitions the Commissioner to extend the time for response for xxxxxx month(s), from to .			
<input type="checkbox"/>	Executed Declaration by Inventor(s)				

CLAIMS					
FOR	Claims Remaining After Amendment	Highest # of Claims Previously Paid For	Extra Claims	RATE	FEE
Total Claims	13	41	0	\$ 50.00	\$ 0.00
Independent Claims	1	3	0	\$200.00	\$ 0.00
				Total Fees	\$ 0.00

METHOD OF PAYMENT	
<input type="checkbox"/>	Check no. _____ in the amount of \$ _____ is enclosed for payment of fees.
<input checked="" type="checkbox"/>	Charge \$500.00 to Deposit Account No. <u>50-0563</u> (IBM Corporation) for payment of fees.
<input checked="" type="checkbox"/>	Charge any additional fees or credit any overpayment to Deposit Account No. <u>50-0563</u> (IBM Corporation)

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Attorney Name	Joseph A. Sawyer, Jr., Reg. No. 30,801
Signature	
Date	April 10, 2006

CERTIFICATE OF TRANSMISSION/MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Mail Top Appeal Brief-Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on April 10, 2006.	
Type or printed name	Kym Moore
Signature	